

Application No.: 09/849,460

Docket No.: JCLA6212

REMARKS**Present Status of Application**

Claims 1-10 and 12-15 remain pending in the application. The Office Action mailed May 16, 2003, further pointed out that claim 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-4, 7 and 12-15 were rejected under 35 USC§102 (e) as being anticipated by Akram et al. (US Patent No. 6,451,658). Claims 5-6 were rejected under 35 USC§103 (a) as being unpatentable over Akram. Claims 9-10 were rejected under 35 USC§103 (a) as being unpatentable over Akram in view of Tanabe et al. (US Patent No. 6,323,115) and Kwon et al. (US Patent No. 6,004,876).

Claims 1 and 10 have been amended, for clarification purposes, while claims 9 and 12-15 have been cancelled. No new matter has been added to the application by the amendments made to the specification, claims and drawings. This Amendment is promptly filed to place the above-captioned case in condition for allowance. After entering the amendments, a notice of allowance is respectfully solicited.

Application No.: 09/849,460

Docket No.: JCLA6212

Discussion for 35 USC§102 and 103 rejections

Claims 1-4, 7 and 12-15 were rejected under 35 USC§102 (e) as being anticipated by Akram et al. (US Patent No. 6,451,658).

Claim 1 has been amended to provide more descriptions for clarification according to the present invention. As amended, claim recites “an anti-reflective layer is formed on the first metal layer”.

Obviously, Akram does not disclose a barrier layer or a pre in-situ metal layer on the substrate, even if considering the layer 50a and layer 50b as comparable to the barrier layer and the pre in-situ metal layer of the present invention. As clearly shown in Akram's Fig. 6, layers 50c/50b/50a are sequentially formed on the polysilicon gate layer 48 and over the substrate 38, but definitely are not formed directly on the substrate 38.

Similarly, Akram also fails to disclose the anti-reflective layer on the first metal layer, since Akram teaches forming a conductive interconnect layer 52 on layer 50c, even if considering the layer 50c is comparable to the first metal layer.

As a result, Applicant submits that amended claim 1 patently defines over the prior art and the cited reference. For at least the foregoing reasons, all pending claims 2-4 and 7-8 patently define over the cited references and should be allowed. Claims 12-15 have been cancelled.

Accordingly, withdrawal of this rejection under §102 is respectfully requested.

Claims 5-6 were rejected under 35 USC§103 (a) as being unpatentable over Akram.

Claims 9-10 were rejected under 35 USC§103 (a) as being unpatentable over Akram in view of Tanabe et al. (US Patent No. 6,323,115) and Kwon et al. (US Patent No. 6,004,876).

Application No.: 09/849,460

Docket No.: JCLA6212

Dependent claims 5-6 are submitted to be patentably distinguishable over the Akram reference for at least the same reasons as independent claim 1, from which these claims respectively depend, as well as for the additional features that these claims recite.

Claim 9 has been cancelled. The cited references Tanabe and Kwon fail to remedy the deficiencies of Akram. Therefore, the claim 10 is believed allowable and such allowance is respectfully requested.

In view of the above amendment and discussions, reconsideration and withdrawal of the §103 rejections is respectfully requested.

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Application No.: 09/849,460

Docket N .: JCLA6212

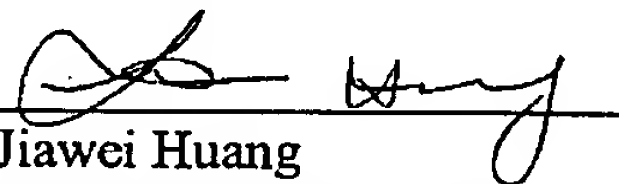
CONCLUSION

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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